
City of Fremont Initial Study

1. **Project:** Alder Avenue Planned District (PLN2014-00262)
2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**
City of Fremont Community Development Dept.
39550 Liberty Street, 1st Floor
Fremont, CA 94538
3. **Lead Agency contact person:**
Clifford Nguyen, Senior Planner
Phone: (510) 494-4769
E-mail: cnguyen@fremont.gov
4. **Project location:** 4325 Alder Avenue and 4336 Torres Avenue, Fremont, CA, 94536
(APNs: 501-0042-076-00 and 5010042-086-00)
5. **Project Sponsor's name and address:**
Mr. Scott Murray (smurray@interorealestate.com)
175 East Main Avenue, Suite 130
Morgan Hill, CA 95037
6. **General Plan Land Use Designation:** Residential – Low, 2.3-8.7 units per acre
7. **Zoning:** R-1-6, Single Family Residence District
8. **Description of Project:**

The applicant is requesting approval of a rezoning for a vacant underutilized 1.47-acre property from R-1-6, Single Family Residence District to Planned District P-2014-262, a Density Bonus to allow a density of 12.1 units per acre in accordance with Fremont Municipal Code Section 18.165, a Vesting Tentative Tract Map (No. 8192), and Private Street to facilitate construction of a 17-unit residential project comprised of two attached units and 15 detached units. The proposed subdivision would be accessed via a new loop private street (or common Lot “A”, as shown on the project plans) leading from Alder Avenue into the property, off of which two private motor-courts (Lot “B” and “C”) would extend and provide access to proposed units farther inward within the subdivision. The subdivision would consist of 17 residential lots, three commonly-owned lots for the circulation system, and common landscaped and guest parking areas. The smallest residential lot would be 1,647 square feet and the largest residential lot would be 4,885 square feet in size.

The units would feature four distinct two-story floor plans ranging in size from 1,385 square feet (a duet) to 2,365 square feet (Plan 3) of living area, with three to five bedrooms each. Two car garages would be provided for each unit with additional parking provided on driveway aprons, except for Lots 10, 11, 15 and 16. Each unit would be provided with rear and side yards. Nine guest parking spaces (including one accessible stall) would be provided along the loop private street and up to six spaces of on-street parking on Alder Avenue would be provided along the project site's frontage. The proposed loop private street would feature a detached 4-foot sidewalk that would provide pedestrian access to the units and connect to enhanced motor-courts.

The property is currently zoned R-1-6, Single-Family Residence District and is located in the Centerville Community Plan Area. The proposed project would require approval of a density bonus to allow a Low-Medium Density of 12.1 units per acre to achieve a development with 17 units. In accordance with the

FMC and state law, incentives in the form of a density bonus and other concessions shall be provided to an applicant for the production of housing for very low income, low income, and senior households. As part of the proposal, the applicant is seeking a density bonus by providing two units (units on Lot 14 and 15) at very low income affordable ownership cost. By doing so, the City must grant requested incentives and concessions (relief from zoning standards). In accordance with state law, neither granting of a concession or incentive nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval. While a zoning change is not required, a rezoning to a Planned District would allow proper application of standards most similar to a low-medium density project. Vesting Tentative Tract Map No. 8192 is also required to allow the proposed subdivision, including other approvals and an encroachment permit to install new street improvements within the public right-of-way along Alder Avenue.

9. Surrounding Land Uses and Setting:

The subject property consists of an underutilized site. It has approximately 280 feet of frontage along Alder Avenue. There is a mix of low and low-medium density single-family housing adjacent to the subject property. The site is bounded by Alder Avenue and multifamily units across the street to the southeast, single-family homes and Torres Avenue to the northwest, and single-family homes to the north and south. Alder Avenue is designated as a residential collector street with one lane in each direction. The proposed development would be accessed via a new loop private street located directly off Alder Avenue. The closest major intersection located to the northeast is Fremont Boulevard and Thornton Avenue.

Subject property was a remnant of a previous 6.2-acre fruit and vegetable farm. Two adobe buildings (c.1898-1932), two single family residences, and several wood- frame sheds were previously located on the subject property. In October 2011, the City's Historical Architectural Review Board (HARB) determined that the adobe buildings were not potential historic resources, allowing their removals. The subject property has since been cleared of all structures.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

11. Other Public Agencies Requiring Approval: Alameda County Water District (ACWD), Union Sanitary District (USD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forest Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources		Geology / Soils
<input checked="" type="checkbox"/>	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning

	Greenhouse Gas Emissions
	Population / Housing
	Transportation / Traffic

	Mineral Resources
	Public Services
	Utilities / Service Systems

X	Noise
	Recreation
	Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL ANALYSES: None

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

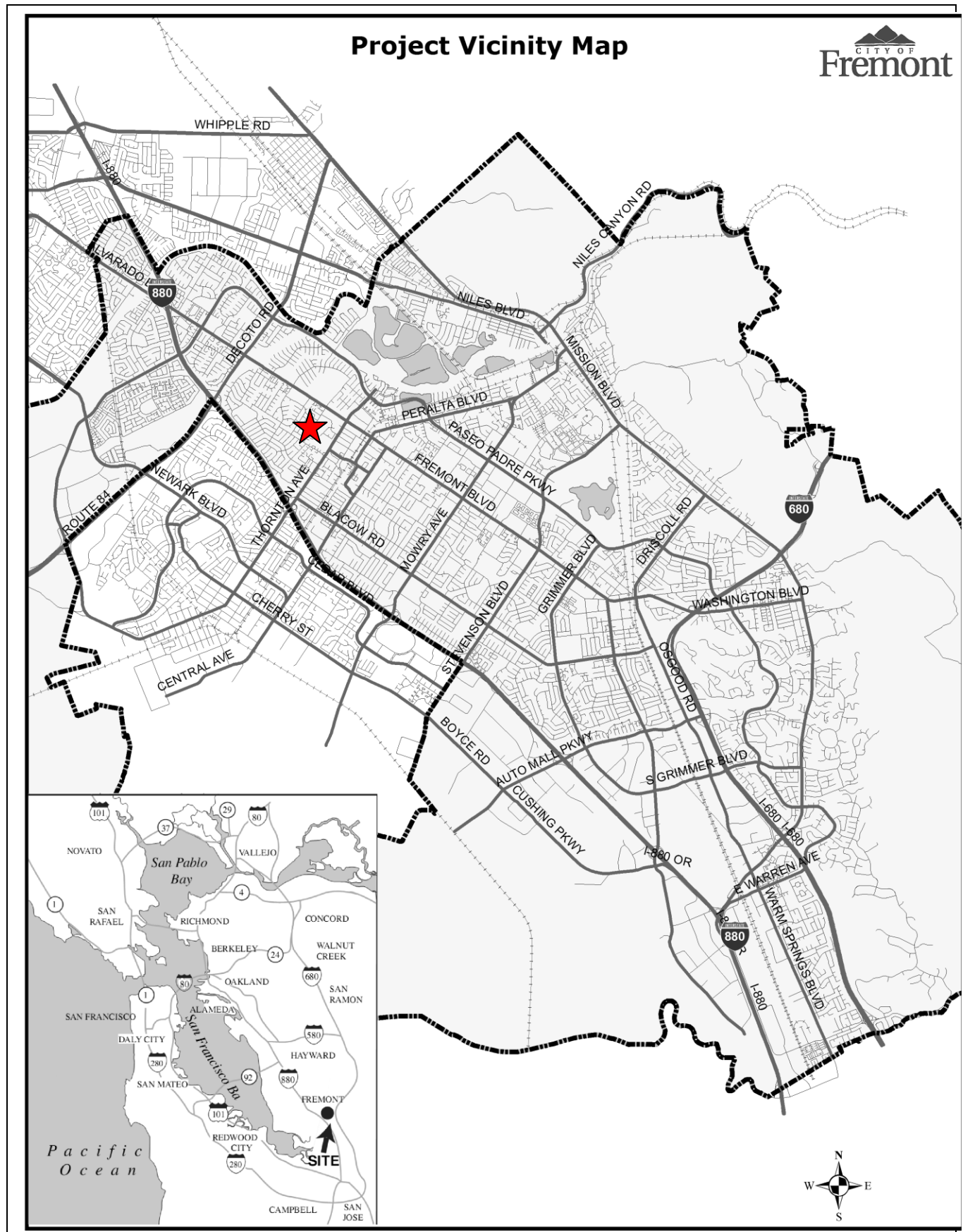
Signature: _____

Date: _____

Printed Name: Clifford Nguyen, Senior Planner

For: City of Fremont

Principal Planner Review: _____



I. AESTHETICS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X	1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Environmental Setting

The project site consists of a vacant underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). The property previously contained two adobe building and other structures that were remnants of a fruit and vegetable farm dating back to the 1890s. The immediate setting of the subject property consists of a 1960s subdivision of one- and two-story single-family homes that wraps around from the sides and rear. Multifamily units are located across Alder Avenue directly fronting the property. The long axis of the property is parallel with Alder Avenue, and its frontage further encroaches farther into the street than other parcels. A driveway (unpaved beyond the gates) leads to a dirt parking area near the center of the property. All previous structures have been removed from the property.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Element (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Discussion/Conclusion/Mitigation

a-b) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The General Plan does not identify any scenic resources in the vicinity of the project site and there are no scenic highways in the area. The project was designed to meet the intent and purpose of the Planned District requirements, and due to the density bonus, governed by the standards most similar in nature and function to the type of residential units proposed—the R-3, Multi-family District. The project’s compliance to the R-3 District standards would reduce impacts on the surrounding neighborhood character. Upon development of the proposed project, the property’s visual character would be that of detached residential homes and two attached duets at a built density of about 12.1 units per acre. The units would largely be uniform in appearance with a building design focus on individual unit identity, similar to a single-family home. The units would be two stories and up to 26 feet in height (tallest unit as measured from grade to roof ridge). The proposed residential project would be compatible with the aesthetics of the surrounding development pattern and, therefore, would not substantially degrade the existing visual character or quality of the site or its surroundings. As such, impacts from the construction of the project on scenic resources would be less than significant and no mitigation is required.

Potential Impact: Less than Significant

Mitigation: None Required

- c) **Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

The project site is currently underutilized. The nearest residential properties consist of one-story ranch homes (on Torres Avenues) and one- and two-story homes on Alder Avenue. Across the subject property on Alder Avenue (to the southeast) are multifamily units with a mix of one-story structures fronting the street and two-story structures within the adjacent development. While the proposed homes would be two stories in height and appearance, they are designed with lower roofs (26 feet in height at the roof ridge). The project would include yard setbacks of 10 feet along the property line adjacent to the single family homes, which results in approximately 15 to 26 feet in building separation from existing single-family homes. This separation would reduce impacts to the privacy of these neighbors and help to minimize the visual impacts. As such, the project would not significantly degrade the visual character of the site or its surroundings or significantly impact the privacy of the neighboring properties, and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

- d) **Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The proposed project would include building mounted and street lighting typical of a residential neighborhood. Exterior lighting would be diffused or concealed to prevent illumination onto adjoining properties. During the building permit review process, the applicant would be required to submit a photometrics plan to ensure compliance with the City's exterior lighting requirements. As such, the project would not create a new source of substantial light or glare and impacts would be less than significant.

Potential Impact: Less than Significant

Mitigation: None Required

- II. AGRICULTURE AND FOREST RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20

b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Environmental Setting

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). The property previously contained two adobe building and other structures that were remnants of a fruit and vegetable farm dating back to the 1890s. All structures have been removed from the property. The property contains 40 trees.

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Element
- California Department of Conservation, Alameda County Farmland Map-Access via URL: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf>

Discussion/Conclusion/Mitigation

- a) **Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

According to the California Department of Conservation's 2010 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact to such lands would result from the project.

Potential Impact: No Impact

Mitigation: None Required

- b-e) **Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The subject property was historically utilized for agricultural purposes; however, it has not been used for such purposes within at least the last 50 years.

As shown on the California Department of Conservation's 2010 Alameda County Farmland Map, the site is classified as "urban and built-up land." Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area. In addition, the project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project, and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Conflict with or obstruct implementation of any applicable air quality plan?				X	1, 21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	1, 21, 22
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Environmental Setting

The project site consists of an underutilized 1.47-acre subject property. The property comprises of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). The property previously contained two adobe building and other structures that were remnants of a fruit and vegetable farm dating back to the 1890s. All structures have been removed from the property. The property contains 40 trees.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Chapter (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting

purposes. The closest such monitoring station is located at 935 Piedmont Road in San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM₁₀ and PM_{2.5}). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors.

- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Discussion/Conclusion/Mitigation

- a-c) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

In formulating its compliance strategies, BAAQMD relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan that has been deemed compliant with BAAQMD's *Clean Air Plan* and that project conforms to the general plan, then it would also be considered consistent with the *Clean Air Plan*. The project, featuring 17 total units at a proposed density of 12.1 units per acre would be consistent with the City's General Plan land use designation. The Draft EIR for the 2011 General Plan concluded that development projects consistent with the General Plan would not cause or contribute to a violation of the ambient air quality standard for carbon monoxide, and the impact would be considered less than significant.

The screening criteria established by BAAQMD for operational emissions related to residential townhouse developments is 451 units. The proposed project with 17 dwelling units would be substantially less than the screening criteria and, therefore, would not result in significant long-term air quality impacts or result in a cumulatively considerable net increase of criteria pollutants for which the region is classified as non-attainment.

For construction emissions, BAAQMD's screening criteria for residential developments is 240 units. Given that the proposed project is substantially smaller than the screening criteria, construction activities associated with the project would not generate significant amounts of air pollutants that would impact sensitive receptors or temporarily increase local pollutant levels. Therefore, the project would not result in significant short-term air quality impacts related to construction emissions.

Based on the above analysis, the project would not conflict with or obstruct implementation of the applicable clean air plan nor result in a cumulatively considerable net increase of any criteria pollutant. Impacts would be less than significant.

Potential Impact: No Impact

Mitigation: None Required

- d-e) Would the project expose sensitive receptors to substantial pollutant concentrations? Would the project create objectionable odors affecting a substantial number of people?**

Construction Dust

The temporary effects of demolition, grading, and construction activities could cause airborne dust during construction of the project which could pose a nuisance to the adjacent residences and

businesses if not managed through dust control methods. However, these impacts would be of a temporary duration, and implementation of Mitigation Measure Air-1, below, would reduce the impacts to a less-than-significant level.

Potential Impact: Less-than-Significant Impact with Mitigation Incorporated

Mitigation Measure Air-1: *Prior to the issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on construction plans with the contact information for a designated crewmember who will oversee the on-site implementation of the plan:*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.*
7. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*
8. *Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

Objectionable Odors

The proposed project would generate localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These emissions may be noticeable from time to time by nearby receptors. However, they would be temporary and would not affect a substantial number of people. In addition, there are no existing uses in the project vicinity that produce objectionable odors nor are any uses proposed that would produce objectionable odors. Therefore, impacts would be less than significant.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish		X			1, 8

	and Wildlife or U.S. Fish and Wildlife Service?					
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		1, 8
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 8
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8

Environmental Setting

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). The property previously contained two adobe buildings and other structures that were remnants of a fruit and vegetable farm dating back to the 1890s. All structures have been removed from the property. The property contains 40 trees.

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related biological resources include:

- City of Fremont General Plan, Conservation Element
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Discussion/Conclusion/Mitigation

a-c) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife

or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The subject property is an infill site surrounded by existing residential uses. It does not provide habitat for candidate, sensitive or special-status species. Furthermore, the site does not contain riparian habitat nor federally protected wetlands. No impacts would result.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required.

- d) **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

There are 40 trees on the subject property which may provide suitable nesting habitat for some species of native birds. Removal of any trees containing active bird nests could result in the abandonment of the nesting effort and, thus, pose a potentially significant impact on migratory birds. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife. Implementation of Mitigation Measure Bio-1, below, would reduce impacts to any nesting birds to a less-than-significant level.

Potential Impact: Less-than-Significant Impact with Mitigation Incorporated

Mitigation Measure Bio-1: *If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be reinitiated. If an active nest is found, the applicant or developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.*

- e-f) **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

A total of 40 trees at the subject property would be removed. About two-thirds (29) of the existing trees are in poor health or are dead, including a 56-inch pepper tree closer to Alder Avenue. The City's Tree Preservation Ordinance allows tree removal associated with development projects based upon certain site-specific development considerations. The City landscape architect has reviewed and approved the proposed landscape plan, including existing trees that would be removed. Per ordinance requirements, replacement trees or payment of in-lieu fees are required to mitigate the removal of existing trees on the site. Compliance with the City's Tree Preservation Ordinance would result in a less-than-significant impact on tree resources.

Development of the project site as proposed would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none exist that affect the area.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required.

V. CULTURAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 28, 29, F
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 28, 29, F
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 28, 29, F
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 28, 29, F

Environmental Setting

The project site consists of an underutilized 1.47-acre subject property. The property comprises of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees.

The subject property is a remnant of a former 6.2 acre fruit and vegetable farm. The property previously contained two adobe buildings, two single family residences, and several wood- framed sheds at the rear which dated back from the 1920s to the 1950s. In the 1960s most of the farmland was sold for a residential subdivision. The previous adobe buildings were constructed during the period of ownership of the farm by the Portuguese immigrant Rosa family (1898-1932). In October 2011, the City's Historical Architectural Review Board (HARB) determined that the adobe buildings were not potential historic resources, allowing their removal.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Discussion/Conclusion/Mitigation

- a) **Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?**

While buildings of 50 years or older previously existed on the site, the City's Historical Architectural Review Board (HARB) determined that the buildings were not potential historic resources, allowing their removal. All structures have been removed from the site. As such, construction of the proposed project would not cause a substantial adverse change to any historical resources.

Potential Impact: No Impact
Mitigation: None Required.

- b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?**

The project site is not known to contain any archaeological or paleontological resources. However, there is a possibility that unrecorded resources exist on the site, which could be unearthed during grading activities or other site disturbance activities. Implementation of Mitigation Measure Cult-1, below, would reduce any potential impacts to such resources to a less-than-significant level:

Potential Impact: Less-than-Significant Impact with Mitigation Incorporated

Mitigation Measure Cult-1: *If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:*

- All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist. Work shall not continue until the archaeologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.*

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6, C
	ii) Strong seismic ground shaking?			X		1, 5, 6, C
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, C
	iv) Landslides?				X	1, 5, 6, C
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, C
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral			X		1, 5, 6, C

	spreading, subsidence, liquefaction or collapse?					
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?				X	1, 5, 6, C
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Environmental Setting:

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. However, according to the 2004 State of Geologic and Seismic Hazard Zones map, the subject property is not located in an area susceptible to earthquake-induced liquefaction or landslides. Nonetheless, as with any land in the San Francisco Bay Area, the subject property could be subject to strong shaking during a major seismic event along one of the faults located in Northern California.

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2010 California Building Code

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

All proposed structures must be designed in conformance with geotechnical and soil stability standards as required by California Building Code (CBC). Conformance to the applicable CBC standards would reduce safety impacts to the site, its occupants, and adjacent properties. Impacts associated with geology and soil would be less than significant.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the			X		1, 3, 8, 21,

	environment?					22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 8, 21, 22, 23

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO₂e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO₂. The State 2005 GHG emission inventory was 479 million metric tons of CO₂e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO₂e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO₂e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO₂e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Elements
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

- a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of greenhouse gas (GHG) emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 scoping plan measures and AB 32 targets. BAAQMD suggests applying GHG efficiency thresholds to projects with emissions of 1,100 metric tons (MT) of CO₂e (carbon dioxide equivalency) or greater per year. Projects that have emissions below 1,100 MT of CO₂e per year are considered to result in less than significant GHG emissions. Land use projects with emissions above the 1,100 MT per year

per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT per year per capita. Projects with emissions above the threshold would have a cumulatively significant impact.

The BAAQMD screening criteria for GHG emissions related to residential development is 78 units (at which point GHG emissions could exceed the 1,100 MT of CO₂e per year threshold). The project proposes 17 dwelling units, which is well below the GHG screening criteria. Therefore, the project would not generate GHG emissions that would have a significant impact on the environment and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Impacts would be less than significant.

Potential Impact: Less-than-Significant

Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X			1, 6, 7, C, D, E
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 6, 7, C, D, E
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3, C, D, E
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 18, C, D, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	N/A

Environmental Setting:

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). The property previously contained two adobe buildings and other

structures that were remnants of a fruit and vegetable farm dating back to the 1890s. All structures have been removed from the property. The property contains 40 trees.

Regulatory Framework

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Elements
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Discussion/Conclusion/Mitigation

a-c) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Phase I and II Environmental Site Assessments (ESA) were conducted by GeoSolve, Inc., in October 2011 and November 2011, respectively. Based on laboratory analytical testing results of soil samples from borings taken from the subject property, the consultant concluded that non-hazardous and hazardous-waste soil was discovered at the site. In particular, elevated concentrations of lead were in the vicinity of a previous carport; and, elevated concentrations of organochloride chlordane and Dieldrin were detected in another area. Lastly, a suspected heating oil underground storage tank (UST) was later determined to be an old septic tank.

In March 2012, based on the results of the field investigations and environmental testing, the property owners completed remediation work at the site that was outlined in a report entitled "Interim Remediation Completion Report." According to the report, all former non-hazardous and hazardous-waste soil was excavated and properly disposed of at Vasco Road Landfill in Livermore, California (Class II soil waste) and ECDC Environmental in East Carbon, Utah (Class I soil waste). Approximately 453.52 tons of Class II non-hazardous waste soil was transported and disposed of at the Vasco Road Landfill, and approximately 118.80 tons of hazardous soil waste was transported via railcar to ECDC Environmental. Approximately 3.15 tons of asbestos containing materials (ACM) debris was also noted as being properly disposed of at the Vasco Road Landfill. According to GeoSolve, Inc., confirmation samples were collected from the excavation areas of the former soil sample areas after the remediation work was performed which indicated that concentrations of metals and organochloride pesticides were below the environmental screening level (ESL) for residential development.

The remediation work summarized above was voluntarily completed by the property owners under the auspice of their environmental consultant, GeoSolve, Inc. To ensure that known site contaminants have been removed to a level protective of human health, the Community Development Department has requested that the applicant or property owners procure an appropriate closure document from the Department of Toxic Substance Control (DTSC) or Regional Water Quality Control Board (RWQCB) evidencing that the remediation of the contaminants has been satisfactorily completed.

Potential Impact: Less-than-Significant Impact with Mitigation Incorporated

Mitigation Measure Haz-1: *Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the California Department of Toxic Substance Control (DTSC) or Regional Water Quality Control Board (RWQCB). Completion of the remediation work and procurement of an appropriate closure document or certification in written form from DTSC or RWQCB evidencing its determination that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the City of Fremont Community Development Department. Certification may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by DTSC or RWQCB, and receive DTSC or RWQCB's concurrence that the site's RECs have been resolved.*

There are two schools within ¼ mile of the project site. The Oliveira Elementary is located approximately 320 feet northeast of the subject property, and Thornton Jr. High is located approximately 450 southeast of the subject property. The proposed residential project would not involve the routine transport of hazardous materials, include the use and/or disposal of hazardous materials, other than those used for household cleaning and landscape maintenance, nor create a hazard involving the release of hazardous materials. If any additional site remediation work is required, it would be completed under the regulatory oversight of DTSC or RWQCB. Thus, no impact would result.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

While the project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List), it historically contained agricultural uses resulting in the discovery of certain non-hazardous and hazardous-waste soil. See response to questions (a)-(c) above for additional details regarding hazardous materials known to be formerly present on the property, and the required procurement of an appropriate closure form from DTSC or RWQCB that the environmental remediation work has been satisfactorily completed.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

- e-f) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

The project site is not located within an airport land use plan nor are there any public or private airports within City limits.

Potential Impact: No Impact
Mitigation: None Required

- g-h) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the project via private streets designed in compliance with City Fire Department and Public Works Department standards. Furthermore, the project is not located in an area susceptible to wildland fires. For these reasons, no significant impact to life safety would result from the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Violate any water quality standards or waste discharge requirements?			X		1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X		1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate				X	N/A

	Map or other flood hazard delineation map?					
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Environmental Setting:

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Element (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

The proposed modifications to the project site would not substantially alter existing drainage patterns, substantially deplete water supplies, or result in the alteration of the course of any water body. Stormwater runoff generated from all of the newly created impervious surface area would be treated by an infiltration system. The proposed preliminary stormwater management program conforms to the C.3 requirements. Incorporation of techniques and measures outlined in the program would conform to NPDES C.3 treatment and flow controls required of new development and result in the project not having a significant impact on water quality.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-

site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns. Drainage from the project site would enter the private street via a traditional underground area drain system and be conveyed into gutters and discharged into catch basins, which in turn would drain into an infiltration system. Development of the project would create or replace less than one acre of impervious surfaces, such as streets, sidewalks, driveways, and roofs. The proposed project would not be subject to hydromodification requirements as it does not create or replace more than one acre of impervious surface. Therefore, no impact would result.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

- g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?**

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0442G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded X zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. As such, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

X. LAND USE AND PLANNING - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Environmental Setting

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been

removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Elements
- Habitat Conservation Programs, California Department of Fish and Wildlife

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project would not physically divide an established community as it would replace an underutilized property with new residential development consistent and compatible with existing, surrounding development. In addition, the project would not conflict with General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. Finally, there are no habitat conservation or natural community conservation plans adopted for the site. Therefore, no impact would result.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

XI. MINERAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Environmental Setting

The project site consists of an underutilized 1.47-acre subject property. The property comprises of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Element

- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Discussion/Conclusion/Mitigation

a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact to such resources would result.

Potential Impact: No Impact

Mitigation: None Required

XII. NOISE - Would the project result in:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 3, 9
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 3, 9
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

The only significant noise source affecting the project site is potential roadway noise from Alder Avenue. Alder Avenue is designated a residential collector street within one lane in each direction. The proposed development would feature new two-story units with a minimum 18-foot setback from the curblane of Alder Avenue.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Element (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code

In accordance with Fremont General Plan Policy 10-8.1: Site Development Acceptable Noise Environment, the maximum acceptable noise level in residential areas is an Ldn of 60 dba.

Discussion/Conclusion/Mitigation

- a-c) Would the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Generate excessive groundborne vibration or groundborne noise levels? Generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

The proposed project would not generate permanent noise levels in excess of the City's established standards, nor would it generate permanent groundborne vibration.

Vehicular traffic along Alder Avenue would be the primary noise sources that would affect the project's occupants. The Noise/Vibration subsection of the Safety Element of the General Plan has established a maximum interior average daily noise level (or L_{dn}) threshold for new dwelling units of 45 decibels (dba), with a maximum instantaneous noise level from infrequent events such as train whistles and emergency vehicle sirens not to exceed 50 dba in bedrooms during the night and 55 dba in all habitable rooms during the day. Alder Avenue is designated as a residential collector street. The General Plan states that projected increases in noise will not be significant on most secondary roads as traffic levels generally must increase by 100 percent for noise levels to increase by 3 dba. The General Plan 2030 Traffic Noise Contours diagram indicates that exterior ambient noise levels for this residential neighborhood would be expected to be less than 55 dba. The existing and anticipated future exterior noise environment in 2030 is therefore expected to be within a normally acceptable level without any required mitigation. Construction of the new homes would be subject to current California Building Code (CBC) requirements that mandate attenuation of interior noise levels to be no greater than 45 dba. Compliance with the CBC would be consistent with the General Plan. As such, no mitigation is required.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Development of the project would result in a temporary increase in noise levels during daylight hours, particularly from diesel-powered earth-moving equipment and other heavy machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code which limits such activities to certain times of the day and week to reduce noise impacts on any sensitive receptors such as residences, schools or senior care facilities within earshot of the construction site. In this case, these restrictions are:

Monday-Friday: 7 a.m. to 7 p.m.

Saturdays and Holidays: 9 a.m. to 6 p.m.

Sundays: No construction activities allowed.

These construction hours apply to all development located within 500 feet of a sensitive receptor, and are designed to limit construction activities primarily to daylight hours when most residents are awake, and other noise sources such as vehicular traffic, lawn mowers, leaf blowers and air traffic are also occurring. Enforcement of these restrictions would reduce noise impacts from the construction of the project to a less-than-significant level; therefore, no mitigation is required.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

- e-f) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

There are no public or private airports located near the project site. No impact would result.

Potential Impact: No Impact

Mitigation: None Required

XIII. POPULATION AND HOUSING - Would the project:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Existing Conditions

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Elements (referencing City Housing Element, July 2009)

Discussion/Conclusion/Mitigation

- a-c) **Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The proposed project is consistent with the residential density prescribed for the property by the City's General Plan and in accordance with a density bonus as permitted under local and state laws. As such, it would not result in unanticipated growth in an area of the City where residential growth has not already been planned for. In addition, the project site is surrounded by existing single- and multi-family residential development, and would therefore not require the extension of new infrastructure that could induce additional population growth in the area.

Furthermore, the site currently contains no existing dwelling units. Therefore, the project would not displace any residents. As such, the project would not have a significant impact on the area's current population or housing stock and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

XIV. PUBLIC SERVICES:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?				X	1, 10
	Police protection?				X	1, 10
	Schools?				X	1, 10
	Parks?				X	1, 10
	Other public facilities?				X	1, 10

Existing Conditions

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl). The site is located in an urbanized residential area with existing infrastructure in place.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?**

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication In-lieu and Park Facilities Fees, Capital Facilities Fees, and Fire Service Fees.

The proposed development is located in an area of the City where public facilities and services needed to serve the project are already in place. The applicable Development Impact Fees that would be collected in the amounts required for each type of public service would be sufficient to continue to offset the project's impacts to those services. As such, no impacts to public facilities or services would result, and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

XV. RECREATION:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, A

Existing Conditions

The project site consists of an underutilized 1.47-acre subject property. The property is comprised of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Element

Discussion/Conclusion/Mitigation

a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction of the proposed residential development could result in a slight increase in demand for local and regional park and recreation facilities; however payment of the required in-lieu park

dedication and park facility fees for new residential development as described in Section XIV, Public Services, above, would offset the increased demand in accordance with applicable City ordinances and reduce the impacts to such facilities to a less-than-significant level. Furthermore, the proposal would not require the construction or expansion of new facilities, only the payment of in-lieu park dedication fees in accordance with the applicable City ordinances.

Potential Impact: Less than Significant

Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 7, H
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 7, H
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 7, H
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 7, H
e.	Result in inadequate emergency access?				X	1, 6, 7, H
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 7, H

Existing Conditions

The closest signalized intersection to the project site Fremont Boulevard/Thornton Avenue located approximately 2,400 feet northeast of the subject property. The PM peak hour trip generation rate is the primary factor in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Element

Discussion/Conclusion/Mitigation

a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and

mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Based on the proposed development of 17 new residential homes on a vacant lot, the project is estimated to generate 13 AM peak hour trips, 16 PM peak hour trips, and 166 total daily weekday trips (reference: Land Use Code #210 from ITE Trip Generation Handbook, 9th Edition).

Proposed project is consistent with the General Plan residential land use designation. The potential impacts of residential development, consistent with the designation on this site were analyzed with the 2011 General Plan EIR. Based on the 2035 General Plan update LOS Comparison Tables, the closest affected intersection to the project, Fremont Blvd/Thornton Avenue, currently operates at an acceptable level of service in both the A.M. and P.M. peak hours and would remain at an acceptable level of service of C at General Plan buildout. Although the project would add an additional four units based on density bonus regulations, it is not anticipated the additional units would affect decrease level of service to unacceptable.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

- c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont. The design of the proposed project, including the entrance to the private street from Alder Avenue and all internal motorcourts, would be consistent with City development standards. Vehicular access to the project site would be provided via two driveway entrances off Alder Avenue which would be designed to City standards for traffic safety and accessibility purposes. Thus, no impacts would result and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

- e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Emergency vehicle access would be provided throughout the entire project over the proposed private streets in the form of a recorded emergency vehicle access easement (EVAE) benefiting the City's Fire Department. No sharp curves or dangerous intersections would be created by the project, as the entry points along Alder Avenue and all intersections at proposed motorcourts would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The project would also not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 24

Existing Conditions

The project site consists of an underutilized 1.47-acre subject property. The property comprises of a rectangular, mid-block parcel on the northwesterly side of Alder Avenue, between Coronado Drive (to the south) and Laredo Drive (to the north). All structures previously located on the property have been removed. The site contains 40 trees. The local topography slopes gradually to the southwest, although the subject property is relatively flat at approximately 45 feet above mean sea level (msl).

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a-e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project

result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project would connect to existing water and sewer and mains located in Alder Avenue which already serve the area. The utility companies that would provide utility services to the proposed subdivision were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property or require excessive amounts of water that could not be provided by the existing water main serving the area. As such, the existing sewer, storm drain, and water lines serving the area need not be expanded to accommodate the proposed development and impacts to utilities would be less than significant.

Potential Impact: Less-than-Significant Impact

Mitigation: None Required

f-g) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The project would be served by the City's franchised waste hauler agreement in compliance with applicable standards for conventional residential waste products and recyclables. The agreement provides landfill capacity for anticipated residential growth in accordance with the City's General Plan. Since the proposed project is consistent with the General Plan, no impacts to solid waste disposal services would result and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

Mitigation Measure Air-1: *Prior to the issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (dust emissions) and noted on construction plans along with the contact information for a designated crewmember responsible for the on-site implementation of the plan:*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.*
7. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*
8. *Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

Mitigation Measure Bio-1: *If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project-related work of 15 days or longer occurs during the nesting season, another focused survey will be required before project work can be reinitiated. If an active nest is found, the applicant/developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.*

Mitigation Measure Cult-1: *If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:*

- *All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist. Work shall not continue until the archaeologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.*

Mitigation Measure Haz-1: Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the California Department of Toxic Substance Control (DTSC) or Regional Water Quality Control Board (RWQCB). Completion of the remediation work and procurement of an appropriate closure document or certification in written form from DTSC or RWQCB evidencing its determination that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the City of Fremont Community Development Department. Certification may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by DTSC or RWQCB, and receive DTSC or RWQCB's concurrence that the site's RECs have been resolved.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

- A. Project plans prepared by MacKay & Soms, et al., dated August 2014
- B. Site reconnaissance visit by City Planning Division, September 2014
- C. Phase I and Limited Phase II Environmental Site Assessment prepared by GeoSolve, Inc., dated October 2011
- D. Additional Phase II Environmental Site Assessment prepared by GeoSolve, Inc., dated November 2011
- E. Interim Remediation Completion Report prepared by GeoSolve, Inc., dated March 2012